

Electronically Filed June 17, 2013

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*Attorneys for Creditors HMCLV, LLC,  
AMG Management, LLC and The 67  
Group, LLC a/k/a Angel Management Group*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

BENJAMIN BISHOP and  
JASMIN I. MARVIN,

Debtors.

In Proceedings Under Chapter 7

Case No. 2:13-bk-12134-bam

**Adversary Case No.:**

HMCLV, LLC, a Nevada limited liability  
company; AMG MANAGEMENT, LLC, a  
Nevada limited liability company; and THE 67  
GROUP, LLC a/k/a ANGEL MANAGEMENT  
GROUP, a Nevada limited liability company,

Plaintiffs,

v.

BENJAMIN BISHOP, an individual, and  
JASMIN MARVIN, an individual,

Defendants.

**COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF DEBT  
UNDER 11 U.S.C. § 523(a)(6)**

COMES NOW HMCLV, LLC, AMG Management, LLC and The 67 Group, LLC a/k/a  
Angel Management Group ("Plaintiffs"), by and through their counsel the law firm of Greenberg

1 Traurig, LLP, and for their Adversary Complaint against Defendants Benjamin Bishop and  
2 Jasmin Marvin ("Defendants"), and hereby allege and complain as follows:

3 **JURISDICTION**

4 1. On March 15, 2013, the Defendants filed a voluntary petition (the "Petition") for  
5 relief under chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code") in the  
6 United States Bankruptcy Court for the District of Nevada.

7 2. On April 17, 2013, the Defendants' duly-noticed meeting of creditors was held  
8 pursuant to Section 341(a) of the Bankruptcy Code (the "341 Meeting").

9 3. This Complaint is timely because the date by which a Complaint objecting to the  
10 Debtor's discharge or to determine dischargeability must be filed is June 17, 2013.

11 4. This is an adversary proceeding in which the Plaintiffs are seeking a  
12 determination as to the dischargeability of the debt owed by the Defendants to Plaintiffs under  
13 Bankruptcy Code § 523(a)(6).

14 5. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §  
15 1334 and Bankruptcy Code § 523.

16 6. This case is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I).

17 **PARTIES**

18 7. Plaintiff HMCLV, LLC is a Nevada Limited Liability Company.

19 8. Plaintiff AMG Management, LLC is a Nevada Limited Liability Company.

20 9. Plaintiff The 67 Group, LLC a/k/a Angel Management Group ("Angel  
21 Management") is a Nevada Limited Liability Company. (HMCLV, LLC, AMG Management,  
22 LLC and Angel Management will be referred to collectively herein as "AMG" or "Plaintiffs").

23 10. Plaintiffs are creditors of the Defendants by reason of the following facts.

24 11. Upon information and belief, Defendant Heather Kingston a/k/a  
25 [happyheather08@yahoo.com](mailto:happyheather08@yahoo.com) is an individual residing in Clark County, Nevada and is  
26 responsible for the incidents described herein, as described below.

27 ///

12. Defendants Benjamin Bishop (“Bishop”) and Jasmin Marvin (“Marvin”), are residents of Clark County, Nevada and are responsible for the incidents described herein including but not limited to sending and/or causing emails to be sent under the alias Heather Kingston a/k/a [happyheather08@yahoo.com](mailto:happyheather08@yahoo.com).

### GENERAL ALLEGATIONS

13. Defendant Bishop was employed by Angel Management from November 2009 through October 2010.

14. While employed by Angel Management, Bishop executed a Confidentiality and Non-Solicitation Agreement in which he agreed (among other things) that both during his employment and thereafter, he would not disparage Angel Management, AMG Management, their affiliates, principals and managers including Neil Moffit.

15. Plaintiffs are involved in the nightclub industry in Las Vegas, Nevada, and are in the process of developing and opening a new nightclub which will be located at the MGM Casino in Las Vegas, Nevada.

16. To facilitate the opening of the new night club, Plaintiffs entered into contracts with third parties including a contract with Hakkasan Emirates Palace.

17. Defendants are persons with knowledge regarding Plaintiffs’ business and operations and have been sending unauthorized emails to Plaintiffs’ business associates including persons associated with Hakkasan Emirates Palace via a certain email address.

18. The emails were believed to have been sent by Defendants from an email address of [happyheather08@yahoo.com](mailto:happyheather08@yahoo.com) and purport to be from Heather Kingston.

19. Based on that information, Plaintiffs filed an action in Nevada state court, case no. A-12-6724487-B, against Heather Kingston a/k/a [happyheather08@yahoo.com](mailto:happyheather08@yahoo.com) and pursued preservice discovery to determine the true identity of the senders. True and correct copies of Plaintiffs’ Motion to Take Pre-Service Discovery to Identify Doe Defendant(s) on Order Shortening Time and the Order Granting Motion to Take Pre-Service Discovery to Identify Doe Defendant(s) are attached hereto as **Exhibits 1 and 2**.

20. Information obtained from third parties through this preservice discovery indicates the emails referenced above were sent from IP addresses associated with Bishop and Marvin.

21. As a result, Plaintiffs amended the district court complaint (“District Court Complaint”). A true and correct copy of the District Court Complaint is attached hereto as **Exhibit 3**.

22. As alleged here and in the attached District Court complaint, the emails sent by Defendants were intended to interfere with Plaintiffs business relationships and harass and disparage Plaintiffs and included false information and accusations.

23. As alleged here and in the attached District Court complaint, Defendants have intentionally caused a willful and malicious injury to Plaintiffs.

**COUNT I**  
**Non-Dischargeability of Debt Under Section 523(a)(6) of the Bankruptcy Code**

24. The preceding allegations are hereby re-alleged and incorporated herein by this reference.

25. Bankruptcy Code § 523(a)(6) provides, in relevant part, that:

(b) A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt—

...

(6) or willful and malicious injury by the debtor to another entity or to the property of another entity . . .

26. All or part of the debt owed to Plaintiffs is non-dischargeable as it is a debt for a willful and malicious injury caused by Defendants within the meaning of Bankruptcy Code § 523(a)(6).

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. For an Judgment entered in favor of Plaintiffs against the Defendants finding that the debt owed to Plaintiffs is non-dischargeable under Bankruptcy Code § 523(a)(6);
2. Judgment against Defendants for such indebtedness; and
3. For an award of such other and further relief as this Court deems just and proper under the circumstances.

DATED this 17th day of June, 2013.

Respectfully submitted,

**GREENBERG TRAURIG, LLP**

*/s/ Kara B. Hendricks, Esq.*

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*Attorneys for Creditors HMCLV, LLC,*

*AMG Management, LLC and The 67*

*Group, LLC a/k/a Angel Management Group*

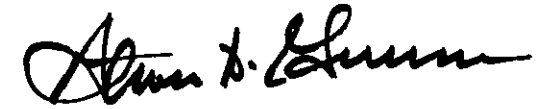
**GREENBERG TRAURIG, LLP**  
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# EXHIBIT 1

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ORIGINAL

Electronically Filed  
11/30/2012 04:52:54 PM

CLERK OF THE COURT

1 MOT  
 2 MARK E. FERRARIO, ESQ.  
 Nevada Bar No. 1625  
 ferrariom@gtlaw.com  
 3 KARA B. HENDRICKS, ESQ.  
 Nevada Bar No. 7743  
 4 hendricksk@gtlaw.com  
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 Facsimile: (702) 792-9002  
 7 Counsel for Plaintiffs

## DISTRICT COURT

## CLARK COUNTY, NEVADA

10 HMCLV, LLC, a Nevada limited liability  
 11 company, and AMG MANAGAMENT,  
 LLC, a Nevada limited liability company,

Case No.: A-12-672487-B

Dept. No.: XIII

Plaintiffs,

v.

14 Heather Kingston a/k/a  
 happyheather08@yahoo.com., Does I-X,

Defendants.

**MOTION TO TAKE PRE-SERVICE  
 DISCOVERY TO IDENTIFY DOE  
 DEFENDANT(S) ON ORDER  
 SHORTENING TIME**

17 COMES NOW HMCLV, LLC and AMG Management, LLC ("Plaintiffs"), by and  
 18 through their counsel the law firm of Greenberg Traurig, LLP, and hereby files the present

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RECEIVED

NOV 28 2012

DISTRICT COURT DEPT XIII



1 Motion to Take Early Discovery to Identify Defendant(s) on Order Shortening Time.

2 DATED this 20<sup>th</sup> day of November, 2012.

3 Respectfully submitted,

4 GREENBERG TRAURIG, LLP

5 

6 MARK E. FERRARIO, ESQ.

7 Nevada Bar No. 1625

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9 Nevada Bar No. 7743

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12 Las Vegas, Nevada 89169

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15 *Counsel for Plaintiffs*

16 **NOTICE OF HEARING AND ORDER SHORTENING TIME**

17 TO: ALL INTERESTED PARTIES;

18 TO: THEIR ATTORNEYS OF RECORD;

19 Upon the request of counsel for Plaintiff and good cause appearing therefore:

20 **IT IS HEREBY ORDERED** the written request for an Order Shortening Time is granted. The  
21 **MOTION TO TAKE PRE-SERVICE DISCOVERY TO IDENTIFY DEFENDANT(S)**  
22 shall be heard on the 13<sup>th</sup> day of December, 2012, at the hour of 9:00 a.m., before this  
23 Court.

24 DATED this 29<sup>th</sup> day of November, 2012.

25   
26 DISTRICT COURT JUDGE RB



**AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION AND REQUEST  
TO BE HEARD ON SHORTENED TIME**

STATE OF NEVADA                     )  
  ) ss:  
COUNTY OF CLARK                 )

Kara B. Hendricks, Esq. deposes and states under penalty of perjury as follows:

1. That I am an attorney at the law firm of Greenberg Traurig ("GT") counsel for Plaintiffs and duly authorized to practice law in the State of Nevada.

2. I have personal knowledge of all matters stated herein.

3. The present Motion to Take Pre-Service Discovery to Identify Defendant(s) is made in good faith, as Plaintiffs and Plaintiffs' counsel have undertaken efforts to find the identity of Defendant(s) without court intervention.

4. After being informed by Plaintiffs that persons and/or entities they were doing business with were receiving emails contain untruthful and harassing statements intended to disrupt business relationships from Heather Kingston a/k/a happyheather08@yahoo.com, my office attempted to locate an address or other information relating to Heather Kingston and were unable to identify such a person.

5. My office also conducted an online search for that email address, in the hopes that the individual had used that address along with his or her name in registering to use an online service such as Facebook or Twitter. We also attempted reverse lookup of the email address, all to no avail. The complete lack of any online presence of this email address and the nature of the emails leads us to believe that happyheather08@yahoo.com was created specifically for the purpose of harassing Plaintiffs and interrupting Plaintiffs' business relationships.

6. Information obtained by our office indicates that Yahoo! will not disclose the identity of a user without a subpoena/court order.

7. After filing the Complaint on November 21, 2012, Plaintiffs were advised that a second entity they do business with also received an email from happyheather08@yahoo.com disparaging Plaintiffs and which was intended to interfere with Plaintiffs' business relationships.

8. Plaintiffs have reason to believe that Defendant will continue to send harassing emails to third parties from the happyheather08@yahoo.com account and/or obtain a new email

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1 account and continue the behavior articulated in the Complaint if pre-service discovery is not  
2 allowed.


3 9. An order from the court allowing pre-service discovery to allow subpoenas to be  
4 issued to Yahoo! and any service provider Plaintiffs are able to identify is the only remaining  
5 way to determine the identity of Defendant(s).

6 10. Internet Service Providers and email providers such as Yahoo! only retain IP  
7 address information for a limited amount of time and the identifying information we seek may be  
8 destroyed in the normal course of business by Yahoo! if this motion is heard in the ordinary  
9 course.

10 11. Based on the foregoing, I believe that there is good cause for this matter to be  
11 heard on shortened time pursuant to EDCR 2.26 and respectfully request the same.

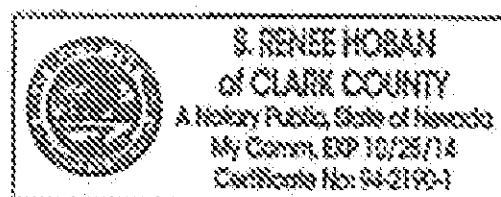
12 **FURTHER YOUR AFFIANT SAYETH NAUGHT.**

13 DATED this 28<sup>th</sup> day of November, 2012.

14  
15   
16 Kara B. Hendricks, Esq.

17 SUBSCRIBED and SWORN to before  
18 me this 28<sup>th</sup> day of November, 2012.

19   
20 NOTARY PUBLIC



## MEMORANDUM OF POINTS & AUTHORITIES

### I. INTRODUCTION

Plaintiffs have been the target of several harassing emails sent by Defendant to at least two entities that Plaintiffs do business with. In this lawsuit, Plaintiffs seek to hold Defendant liable for interference with contractual relations and seek an injunction prohibiting further harassing contact by Defendant with third parties that Plaintiffs do business with. As detailed in the Affidavit of Kara B. Hendricks, Esq., Plaintiffs' counsel has undertaken various measures in an attempt to find the identity of Defendant. For example, Plaintiffs' counsel has searched online for any other uses of happyheather08@yahoo.com and attempted to locate and obtain the IP addresses associated with the respective emails. Such efforts have yet to yield results that would allow Plaintiffs to identify Defendant(s).

Plaintiffs believe the only way to identify Defendant(s) is by serving a subpoena on Yahoo! and any IP service providers that are identified in the response received from Yahoo!. However, Yahoo! is prevented from disclosing the identity of users without a court order/subpoena. As such, Plaintiffs respectfully request that this Court enter an order permitting Plaintiffs to take pre-service discovery – namely, to permit Plaintiffs to issue third-party subpoenas to Yahoo! and any provider of IP addresses that are identified by Plaintiffs – in order to ascertain the identity of Defendant.

### II. LEGAL ARGUMENT

#### A. This Court Should Permit Early Discovery To Ascertain the Identity of Defendant.

This Court should permit early discovery for the purpose of ascertaining the identity of Defendant. If the identity of a defendant cannot be known prior to the filing of a complaint, "the plaintiff should be given an opportunity through discovery to identify the unknown defendants, unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds." *See Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980). Although discovery is typically conducted following an answer and early case conference, courts have wide latitude to govern discovery. *See* NRCP 26(a) (timing of discovery); *see e.g., In re*



1 *Adoption of Minor Child*, 118 Nev. 962, 60 P.3d 485 (Nev. 2002) (discovery is an issue within  
2 the discretion of the district court). As one case notes, "...courts have found good cause to  
3 permit early discovery to obtain the identities of individuals named as Doe defendants where the  
4 Plaintiff is unable to obtain their identities without discovery." *Liberty Media Holdings, LLC v.*  
5 *Swarm of November 15 to December 9, 2010*, 2011 WL 1768746, \*1 (D. Nev. 2011) (granting a  
6 motion to take early discovery).

7 The Nevada Supreme Court has not addressed the appropriate standard for pre-service  
8 discovery to determine the identity of an anonymous internet user, and conflicting standards exist  
9 in other jurisdictions. At least one federal court in Nevada has adopted a two-part test to  
10 determine when early discovery should be permitted, although that case addressed the issue in  
11 the context of defamation actions. *See Fodor v. Doe*, 2011 WL 1629572 (D.Nev. 2011). In  
12 *Fodor*, the court held that a court must (1) "consider whether there is a real evidentiary basis to  
13 believe the defendant has engaged in wrongful conduct that has harmed the plaintiff as alleged in  
14 the complaint," and then (2) "weigh the harm caused by the competing interests by a ruling in  
15 favor of either party." *Id.*

16 First, in considering whether there is a "real evidentiary basis to believe the defendant has  
17 engaged in wrongful conduct that has harmed the plaintiff," the Court need look no further than  
18 the emails sent by happyheather08@yahoo.com to business associates of Plaintiffs. (Two such  
19 emails are attached hereto as **Exhibit A**.) The emails contain inaccurate information regarding  
20 Plaintiffs and are clearly designed to upset and/or interfere with Plaintiffs' business relationships.

21 Second, this Court should weigh the harm caused by the competing interests.  
22 Specifically, although plaintiffs in these situations have an interest in seeking relief, anonymous  
23 online users have an interest in free speech and privacy. *See Fodor*, 2011 WL 1629572. Here,  
24 the balancing test weighs very clearly in favor of Plaintiffs. That type of speech is leaps and  
25 bounds away from what is at issue here: simple harassment. There can be no protection for  
26 setting up an email account for the sole purpose of sending harassing emails to disrupt  
27 someone's business relationships to targeted third parties whom Plaintiffs do business with. *See*  
28 *generally Fodor*, 2011 WL 1629572, \*5 (noting that "[t]here is no compelling public interest in

1 protecting anonymous speech of [defamatory] character"). Likewise, Defendant has no  
2 legitimate interest in retaining his or her privacy under the circumstances.

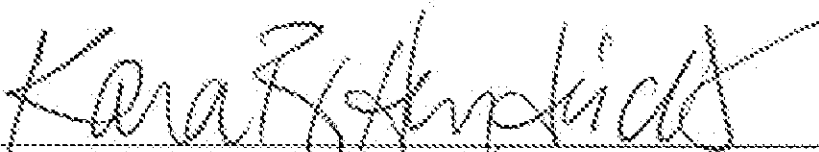
3 This Court should grant the instant Motion to Take Pre-Service Discovery and order that  
4 Plaintiff may serve Yahoo! and any internet service providers associated with an IP address used  
5 by Defendant(s) with subpoenas for identifying information relating to Heather Kingston a/k/a  
6 happyheather08@yahoo.com .

### 7 III. CONCLUSION

8 In light of the foregoing, Plaintiff respectfully requests that this Court GRANT Plaintiff's  
9 Motion to Take Pre-Service Discovery.

10 DATED this 28 day of November, 2012.

11 Respectfully submitted,  
12 GREENBERG TRAURIG, LLP

13 

14 MARK E. FERRARIO, ESQ.  
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21 *Counsel for Plaintiffs*

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Facsimile: (702) 792-9002

## EXHIBIT A

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From: Heather Kingston [mailto:[happyheather08@yahoo.com](mailto:happyheather08@yahoo.com)]  
Sent: 19 November 2012 11:34 PM  
To: Hakkasan EmiratesPalace  
Subject: Las Vegas Hakkasan

I just want your company know: Its already becoming a joke in Las Vegas because of you guys doing business with Neil Moffitt. Mr.Moffitt is known around town and not in a good way. He is currently under investigation w/ the IRS for massive Fraud and tax evasion. He has also been under investigation for his "host" being the biggest drug dealers in town selling at his Venues. Mr. Moffitt himself was physically thrown out of the HardRock (when he was doing business w/ them). I can almost guarantee you Metro will be in your Venues and problems will start the day you open. Have you wondered why Light group is taking over all MGM venues not AMG. Really look at whom you are doing business with. Why is AMG falling apart w/ the Pure merger? Why was his investors suing Mr. Moffitt? These are questions I would want to know if I was investing millions w/ Mr. Moffitt.



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From: Heather Kingston <[happyheather08@yahoo.com](mailto:happyheather08@yahoo.com)>  
Date: Mon, 19 Nov 2012 11:21:43 -0800 (PST)  
To:  
[melanie.weitzner@syndicatemediagroup.com](mailto:melanie.weitzner@syndicatemediagroup.com)<[melanie.weitzner@syndicatemediagroup.com](mailto:melanie.weitzner@syndicatemediagroup.com)>  
ReplyTo: Heather Kingston <[happyheather08@yahoo.com](mailto:happyheather08@yahoo.com)>  
Subject: Las Vegas Hakkasan

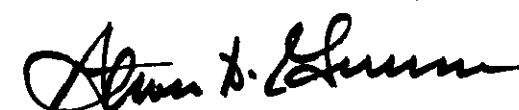
I just want your company know: Its already becoming a joke in Las Vegas because of you guys doing business with Neil Moffitt. Mr.Moffitt is known around town and not in a good way. He is currently under investigation w/ the IRS for massive Fraud and tax evasion. He has also been under investigation for his "host" being the biggest drug dealers in town selling at his Venues. Mr. Moffitt himself was physically thrown out of the HardRock (when he was doing business w/ them). I can almost guarantee you Metro will be in your Venues and problems will start the day you open. Have you wondered why Light group is taking over all MGM venues not AMG. Really look at whom you are doing business with. Why is AMG falling apart w/ the Pure merger? Why was his investors suing Mr. Moffitt? These are questions I would want to know if I was investing millions w/ Mr. Moffitt.

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## EXHIBIT 2

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CLERK OF THE COURT

**ORD**

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

ferrariom@gtlaw.com

KARA B. HENDRICKS, ESQ.

Nevada Bar No. 7743

hendricksk@gtlaw.com

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*Counsel for Plaintiffs*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

HMCLV, LLC, a Nevada limited liability  
company, and AMG MANAGAMENT,  
LLC, a Nevada limited liability company,

Plaintiffs,

v.

Heather Kingston a/k/a  
happyheather08@yahoo.com., Does I-X,

Defendants.

Case No.: A-12-672487-B

Dept. No.: XIII

**ORDER GRANTING MOTION TO TAKE  
PRE-SERVICE DISCOVERY TO  
IDENTIFY DOE DEFENDANT(S)**

HMCLV, LLC and AMG Management, LLC ("Plaintiffs"), having filed a Motion to Take Pre-Service Discovery to Identify Doe Defendant(s) ("Motion"), the Motion having been briefed and oral argument heard, the Court having considered the pleadings and papers on file herein, as well as the arguments of counsel and for good cause appearing, makes the following Order:

**ORDER**

Plaintiff's Motion is hereby GRANTED as follows:

Plaintiff is permitted to take third-party discovery of Yahoo! ("Yahoo") pursuant to a document subpoena under the applicable rules of civil procedure as follows:

- a. Plaintiff may request information sufficient to identify and locate the Defendant known as happyheather08@yahoo.com for purposes of service of process.
- b. This information may include name(s), address(es), email address(es), IP

1 address(es), telephone number(s), and all other information that would assist in  
2 ascertaining the identity of that person or persons.

3 **IT IS SO ORDERED.**

4 DATED this 13<sup>th</sup> day of December, 2012.

5   
6  
7 DISTRICT COURT JUDGE

8 Respectfully submitted,

9   
10 By: MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

11 KARA B. HENDRICKS, ESQ.

Nevada Bar No. 7743

12 GREENBERG TRAURIG, LLP

3773 Howard Hughes Parkway

13 Suite 400 North

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14 *Counsel for Plaintiff*

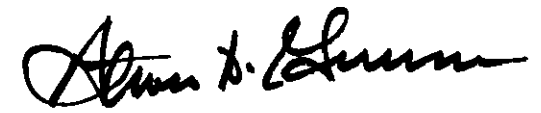
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## EXHIBIT 3

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CLERK OF THE COURT

**FAC**  
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*Counsel for Plaintiffs*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

HMCLV, LLC, a Nevada limited liability company; AMG MANAGEMENT, LLC, a Nevada limited liability company; and THE 67 GROUP, LLC a/k/a ANGEL MANAGEMENT GROUP, a Nevada limited liability company,

Plaintiffs,

v.

Heather Kingston a/k/a  
happyheather08@yahoo.com; Benjamin  
Bishop; Does II-X,

Defendants.

Case No.: A-12-672487-B

Dept. No.: XIII

**FIRST AMENDED COMPLAINT**

***Business Court Requested***

**(Exempt From Arbitration;  
Equitable Relief Requested)**

COMES NOW HMCLV, LLC, AMG Management, LLC and The 67 Group, LLC a/k/a Angel Management Group ("Plaintiffs"), by and through their counsel the law firm of Greenberg Traurig, LLP, and for this First Amended Complaint against Defendants Heather Kingston a/k/a happyheather08@yahoo.com, Benjamin Bishop and Does II-X ("Defendants"), and hereby alleges and complains as follows:

**PARTIES**

1. Plaintiff HMCLV, LLC is a Nevada Limited Liability Company.
2. Plaintiff AMG Management, LLC is a Nevada Limited Liability Company.

///

3. Plaintiff The 67 Group, LLC a/k/a Angel Management Group (“Angel Management”) is a Nevada Limited Liability Company. (HMCLV, LLC, AMG Management, LLC and Angel Management will be referred to collectively herein as “AMG” or “Plaintiffs”).

4. Upon information and belief, Defendant Heather Kingston a/k/a happyheather08@yahoo.com is an individual residing in Clark County, Nevada and is responsible for the incidents described herein, as described below.

5. Upon information and belief, Defendant Benjamin Bishop (“Bishop”), is a resident of Clark County, Nevada and is responsible for the incidents described herein including but not limited to sending and/or causing emails to be sent under the alias Heather Kingston a/k/a happyheather08@yahoo.com and is substituted herein in the place of DOE I.

6. The true name and capacity of DOES II -X are presently unknown to Plaintiffs, and Plaintiffs therefore sue Defendants by fictitious name. Plaintiffs will seek leave of this Court to amend the Complaint to insert the true name or names of Doe Defendants when Plaintiffs are able to ascertain Doe Defendant(s) identity. Doe Defendants are responsible for the incidents described herein, as described below.

### GENERAL ALLEGATIONS

7. Defendant Bishop was employed by Angel Management from November 2009 through October 2010.

8. While employed by Angel Management, Bishop executed a Confidentiality and Non-Solicitation Agreement in which he agreed (among other things) that both during his employment and thereafter, he would not disparage Angel Management, AMG Management, their affiliates, principals and managers including Neil Moffit.

9. Plaintiffs are involved in the nightclub industry in Las Vegas, Nevada, and are in the process of developing and opening a new nightclub which will be located at the MGM Casino in Las Vegas, Nevada.

///

///



10. To facilitate the opening of the new night club, Plaintiffs have entered into contracts with third parties including a contract with Hakkasan Emirates Palace.

11. Defendant(s) purports to be a person(s) with knowledge regarding Plaintiffs' business and operations and has been sending unauthorized emails to Plaintiffs' business associates including persons associated with Hakkasan Emirates Palace via a certain email address.

12. The emails were sent by Defendant(s) from an email address of happyheather08@yahoo.com and purport to be from Heather Kingston.

13. Information obtained from third parties indicates the emails referenced above were sent from IP addresses associated with Bishop.

14. The emails are obviously intended to interfere with Plaintiffs business relationships and harass and disparage Plaintiffs and include false information and accusations.

15. Based on the foregoing, Plaintiffs have been damaged and are entitled to all compensatory, punitive, and/or special damages incurred as a result of Defendant(s)' improper actions.

16. Plaintiffs are being irreparably harmed through Defendant(s)' continuing interference and harassment, and as such is further entitled to immediate injunctive relief.

**FIRST CAUSE OF ACTION**  
**Interference with Contractual Relations**

17. The preceding allegations are hereby re-alleged and incorporated herein by this reference.

18. There exists valid contracts between Plaintiffs and third parties to facilitate the opening of a new night club which will be located at the MGM Casino in Las Vegas.

19. Defendant(s) apparently knew of Plaintiffs' contract with third parties including Plaintiffs' contract with Hakkasan Emirates Palace.

20. Defendant(s) committed intentional acts intended and designed to disrupt the contractual relationship between Plaintiffs and Hakkasan Emirates Palace.

21. As a direct and proximate result of Defendant(s)' actions, Plaintiffs have been harmed and have sustained damages in an amount exceeding \$10,000.00, in an amount to be proven at trial.

22. Plaintiffs have been forced to retain legal counsel and are entitled to recovery of all reasonable attorneys' fees and costs spent in prosecuting this action.

**SECOND CAUSE OF ACTION**  
**Breach of Contract**  
**(Defendant Benjamin Bishop)**

23. The preceding allegations are hereby re-alleged and incorporated herein by this reference.

24. While an employee of Angel Management, Defendant Bishop executed a valid and binding contract entitled Confidentiality and Non-Solicitation Agreement ("Contract").

25. The Contract included a Non Disparagement provision that required Bishop not to disparage Plaintiffs and/or entities affiliated with Plaintiffs and such entities principals and managers both during and subsequent to his employment.

26. Neil Moffit, HMCLV, LLC and AMG Management, LLC were intended third party beneficiaries of the Contract.

27. Angel Management complied with all terms of the Contract.

28. Bishop breached the terms of the Contract by disparaging Plaintiffs by among other things sending and/or causing disparaging emails to be sent using the email address of HappyHeather08@yahoo.com to business associates of Plaintiffs.

29. As a direct and proximate result of Bishop's breach of the Contract, Plaintiffs have been harmed and have sustained damages in an amount exceeding \$10,000.00, in an amount to be proven at trial.

30. Under the terms of the Contract Plaintiffs are entitled to seek injunctive relief in addition to any other remedy available at law or equity as a result of Bishop's breach.

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1           31.     Plaintiffs have been forced to retain legal counsel and are entitled to recovery of  
2 all reasonable attorneys' fees and costs spent in prosecuting this action.

3  
4                                   **THIRD CAUSE OF ACTION**  
                                  **Injunctive Relief**

5           32.     The preceding allegations are hereby re-alleged and incorporated herein by this  
6 reference.

7           33.     Defendant(s)' actions have caused and continue to cause irreparable harm to  
8 Plaintiffs.

9           34.     Upon information and belief, Defendant(s) will continue to interfere with  
10 Plaintiffs' business relationships and harass Plaintiffs and third-parties with whom Plaintiffs  
11 have contracted.

12           35.     Due to the nature of Defendant(s)' activities, the fact that relationships are being  
13 irreparably damaged, money damages are not likely adequate to remedy the harm done to  
14 Plaintiffs by Defendant(s).

15           36.     Therefore, preliminary and permanent injunctive relief is requested, in order to  
16 prevent Defendant(s) from continuing her/his improper activities and her/his harassing conduct  
17 throughout the pendency of this litigation.

18           37.     Preliminary injunctive relief is warranted, as Plaintiffs are highly likely to prevail  
19 on the merits of their claims for relief, and as little to no prejudice will be suffered by  
20 Defendant(s) from the enforcement of a preliminary injunction.

21           38.     Plaintiffs have been forced to retain legal counsel and are entitled to recovery of  
22 all reasonable attorneys' fees and costs spent in prosecuting this action.

23                                   **PRAYER FOR RELIEF**

24           WHEREFORE, Plaintiffs pray for judgment against Defendant(s) as follows:

25           1.     For a preliminary injunction preventing Defendant(s) from contacting Plaintiffs  
26 business associates directly via email or other means throughout the pendency of this litigation;

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2. For a permanent injunction prohibiting Defendant Bishop from disparaging Plaintiffs, their affiliates principal and managers;

3. For an award of all actual and special damages sustained by Plaintiffs as a result of Defendant(s) actions;

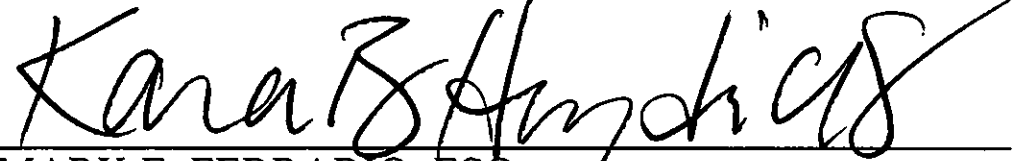
4. For an award of reimbursement of all costs and attorneys' fees incurred by Plaintiffs in prosecution of this dispute; and

5. For an award of such other and further relief as this Court deems just and proper under the circumstances.

DATED this 15th day of March, 2013.

Respectfully submitted,

**GREENBERG TRAURIG, LLP**



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